IN RE: PETITIONS FOR SPECIAL EXCEPTION . \* BEFORE THE AND MONING VARIANCE S/S Monkton Road, 280' SETY of \* ZONING COMMISSIONER the c/l Garfield Avenue \* OF BAUTIMORE COUNTY 1931 Monkton Road 10th Election District \* CASE # 91-372-XA Rrd Councilmanic District The Isaiah Baptist Church of petitioner

## \*\*\*\*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to a Petition for Special Exception, a Church in an RC-4 zone; and, pursuant to the Petition for Moning Variance, variances from Section 1A03.4.A.4 of the Baltimore County Monting Regulations (B.C.Z.R.) to allow a street setback of 50 ft. in lieu of the required 100 ft. and a rear yard setback of 30 ft. in lieu of the required 50 ft.; Section 409.4 to allow parking with direct access to a travelway; Section 409.6.A.4 to allow 54 spaces in lieu of the required 60 spaces for future expansion; Section 409.8.A.2 to permit a gravel parking surface in lieu of the required durable dustless surface; Section 409.8.A.6 to permit a no striped surface in lieu of the required striped surface, as process particularly described on Petitioner's Exhibit No. 1.

The Petitioner, by Thomas Pringle, appeared, testified and was represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petitioner were Esther Carter and Reverend John Carter, Jr. Messrs. Jeffrey Long and Lenwood Johnson appeared on behalf of the Baltimore County Office of Planning and Zoning in support of the requested relief. There were no Protestants.

Proffered testimony indicated that the Petitioner is desirous of con-

structing a new church as indicated on Petitioner's Exhibit Nos. 1 and 2 to replace the existing structure located on the southern portion of the prop-

Testimony indicated that the Petitioner intends to remove the existing structure as it is approximately 150 years of age, in a dilapidated condition and beyond repair.

Testimony indicated that the Petitioner's services are staggered with the services of the Monkton Methodist/Episcopal Church situated across the street from the Petitioner's Church to avoid traffic conqestion.

It is clear that the B.C.Z.R. permits the use proposed in an R.C.4 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions, as delineated by Section 502.1, are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Sections 502.1 and 432.4. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception Suse, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1 432 A2d 1319 (1981).

The proposed use(s) will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

The Petitioner has also requested the aforementioned variance relief.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The Office of Planning and Zoning by Jeffrey Long and Lenwood Johnson indicated their support for the Petitioner's request with the exception of Petitioner's parking proposal. Messrs. Long and Johnson indicated, in the spirit of promoting landscaping rationale site layout, that the proposed parking along the southeast side of the subject property should be eliminated. Although this creates the need for a greater variance than the Petitioner originally requested, the Petitioner had no objection to complying with the Planning Office's request.

It is clear from the testimony that if the variances are granted in accordance with the Office of Planning and Zoning's request, such use as proposed would not be contrary to the spirit or intent of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances requested by the Petitioner were not granted. However, inasmuch as the original request for parking is being increased as a result of the Planning Office's request, the original variance request relative to parking will be denied and a greater variance in conformance with the Office of Planning and Zoning's request shall be granted.

In consideration of the above, it has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

After reviewing all of the testimony and evidence presented, it appears that the special exception and variance relief should be granted, with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore Wille, 1991 that, pursuant to a Petition for Special Exception, permission for a Church in an RC-4 zone is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1A03.4.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a street setback

of 50 ft. in lieu of the required 100 ft. and a rear yard setback of 30 ft. in lieu of the required 50 ft., is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4 to allow parking with direct access to a travelway is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6.A.4 to allow 54 spaces in lieu of the required 60 spaces for future expansion is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6.A.4 to allow 41 spaces in lieu of the required 60 spaces is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from 409.8.A.2 to permit a gravel parking surface in lieu of the required durable dustless surface is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.6 to permit a no striped surface, in lieu of the required striped surface, is hereby GRANTED, in accordance with Petitioner's Exhibit Nos. 1 and 3 subject, however, to the following restrictions which are conditions precedent to the aforegoing relief:

> The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall provide a landscape plan to the Office of Current Planning for approval by the Baltimore County Landscape Planner. Once approved, the Petitioner shall submit a copy of the approved plan to the Zoning Commissioner's Office to become a permanent part of the record and file in this matter. All required landscaping may be phased in but shall be completed on or before January 1, 1996.

3. All lighting shall be limited to low level foot and security lighting with the exception of the illumination of the proposed steeple.

Baltimore County

cc: Peoples Counsel

EIVED FOR 1

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

June 19, 1991

S. Eric DiNenna, Esquire 409 Washington Avenue, Suite 600 Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance Case No. 91-372-XA The Isaiah Baptist Church of Monkton Petitioner

Dear Mr. DiNenna:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

JRH:mmn att.

cc: Peoples Counsel cc: Rev. John Carter, Jr.

Esther Carter Thomas Pringle PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-372-x17The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for \_\_Church\_in\_a\_RC-4\_zone\_\_\_\_\_

\_\_\_\_\_\_ Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

\_\_\_\_\_\_

I/We do solemnly declare and affirm
under the penalties of perjury, that I/w
are the legal owner(s) of the proper
which is the subject of this Potition

	which is the subject of this Petition.	
ntract Purchaser:	Legal Owner(s):	
(Type or Print Name) BY:	The Isaiah Baptist Church of Monkton (Type or Print Name)	
Signature	Signature	
·	Thomas Pringle, Deacon , Ed of Trustees	
Address	(Type or Print Name)	
	· · · · · · · · · · · · · · · · · · ·	
City and State	Signature	
orney for Petitioner:		
Eric DiNennal Esquire (Type of Print Name)	Address Phone No.	
Signature Signature	Monkton, Maryland 21111 City and State	
9 Washington Ave., Ste. 600	Name address and phone number of track	

tract purchaser or representative to be contacted Towson, Maryland 21204 S. Eric DiNenna, Esquire 409 Washington Ave., Ste. 600 Attorney's Telephone No.: 296-6820 Towson, MD 21204; 296-6820 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27 day of March, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

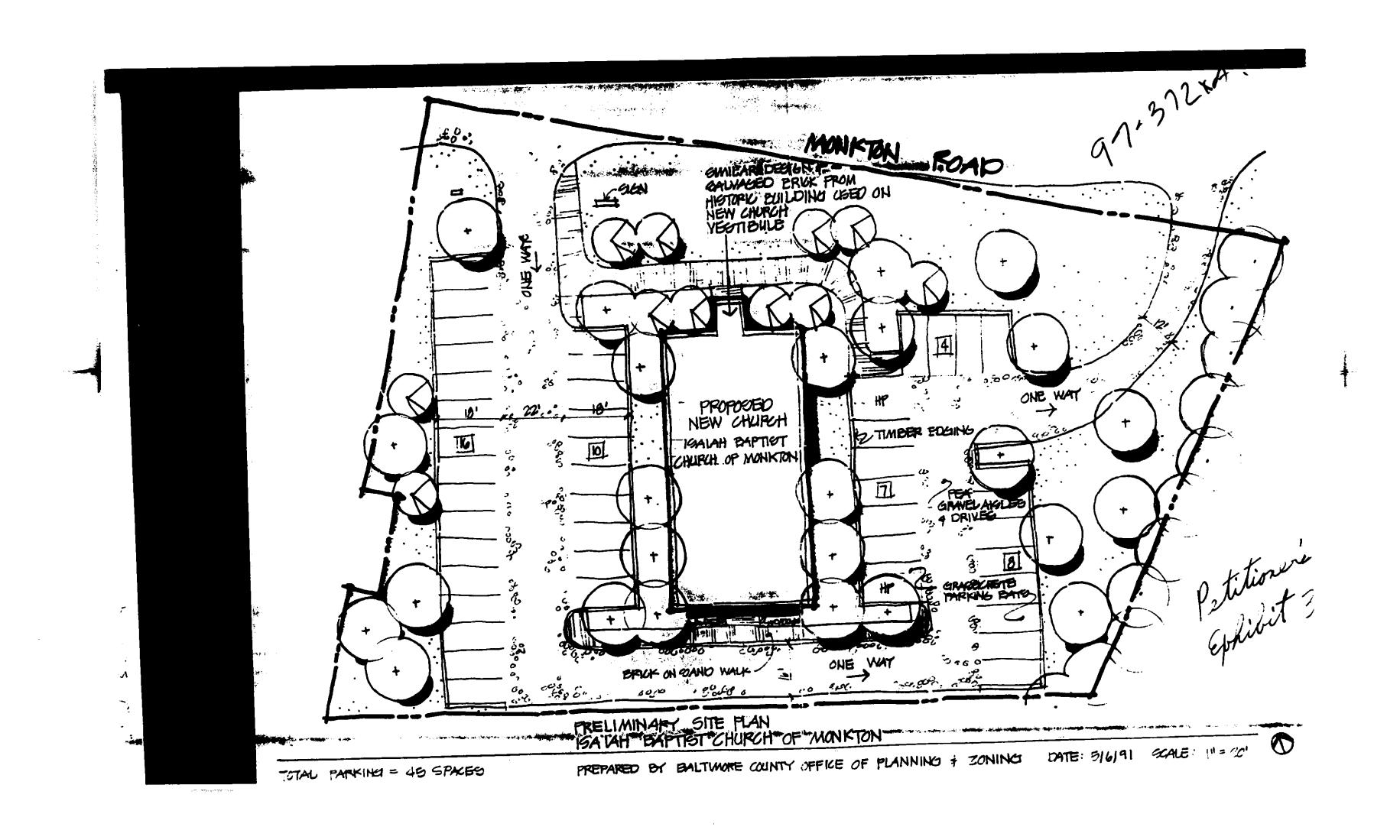
County, on the 17 day of May, 1991, at 9 o'clock

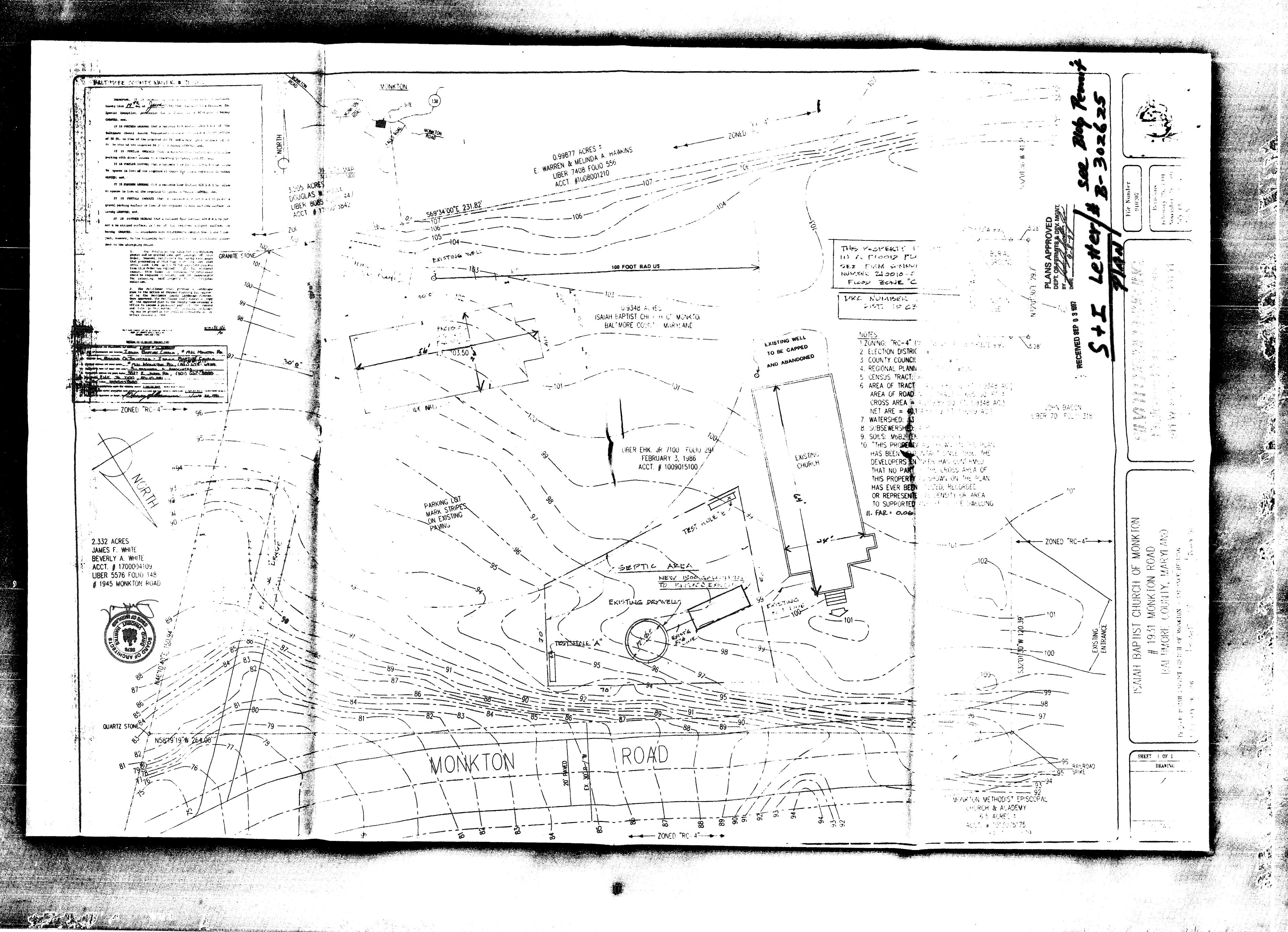
53-91 711 Technical

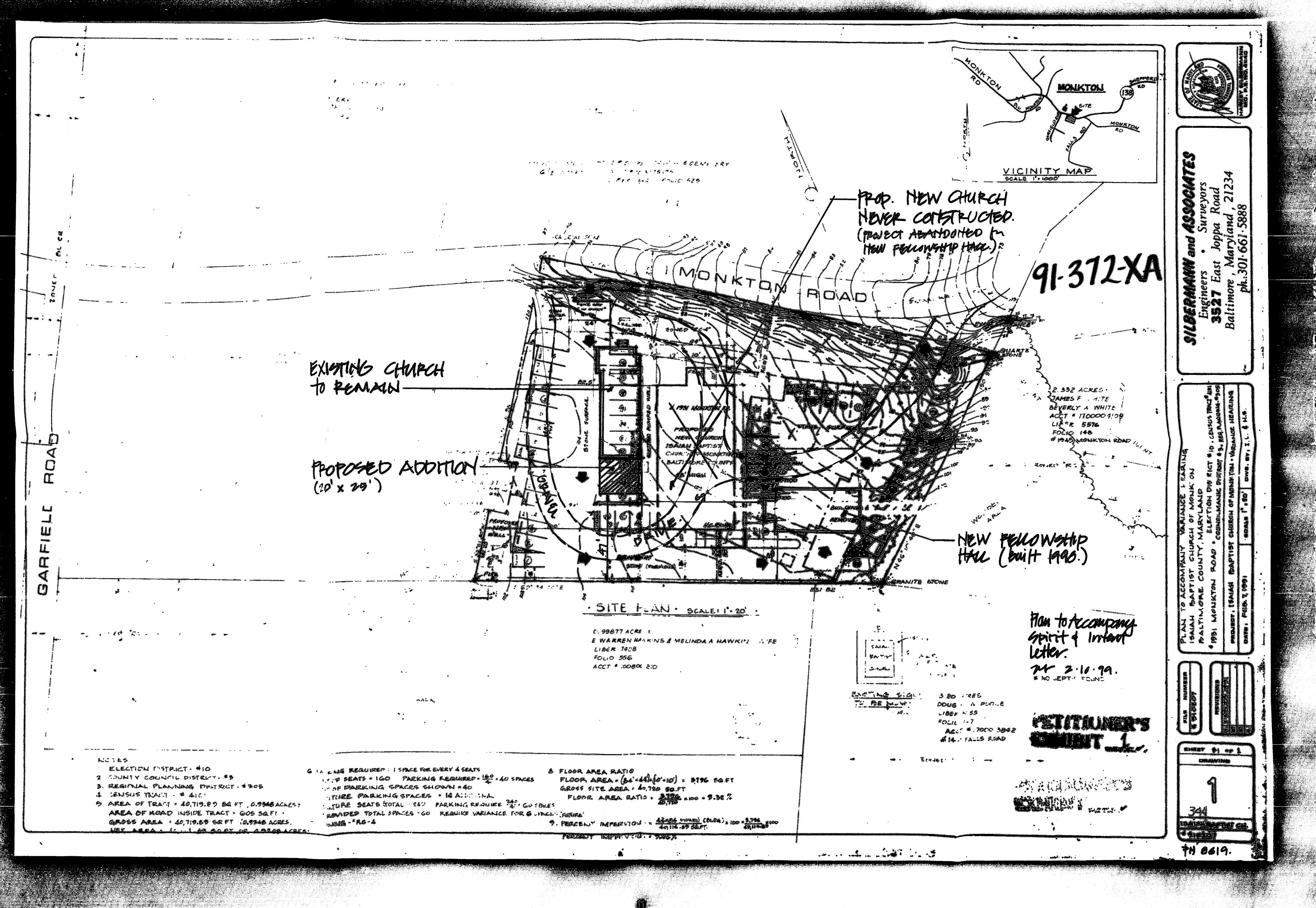
City and State

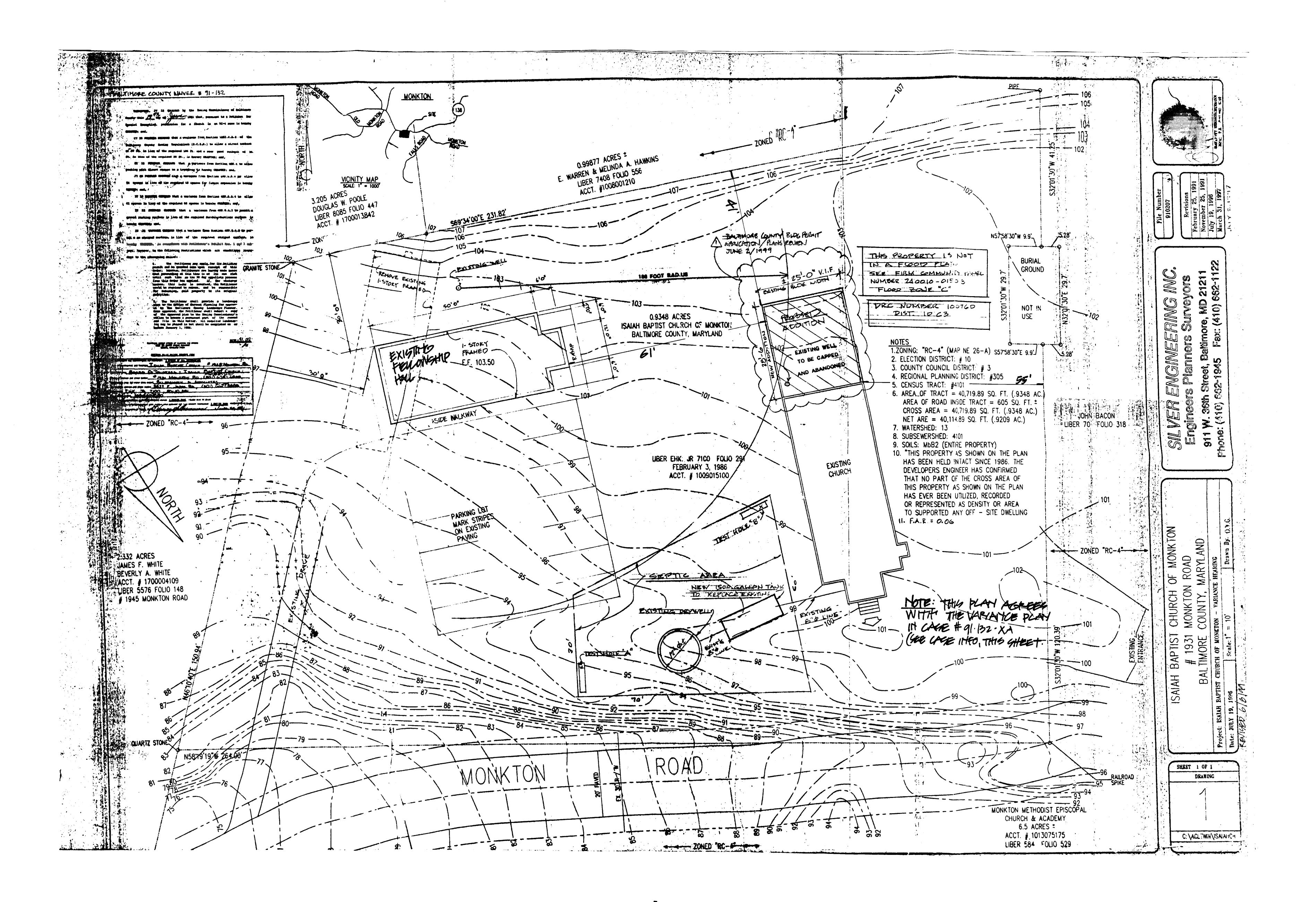
-5-

ORDER I Date By









PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-372-XM The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section \_\_See Attached of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Shape and size of property; 2. Old established church that desperately needs reconstruction and expansion; 3. Other reasons of hardship and difficulty to be presented at hearing. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I We do solemnly declare and affirm, under the penalties of perjury, that I we which is the subject of this Petition.

are the legal owner(s) of the property Legal Owner(s): The Isaiah Baptist Church of Monkton Contract Purchaser: (Type or Print Name) (Type or Print Name) BY: // -- / / / \_\_Thowas\_Pringle.\_Deacon; Bd of Trustees (Type or Print Name) Address . . . . . . . . . . Signature City and State Attorney for Petitioner: S. Eric DiNenna Esquire Phone No. (Type of Print Name) Name, address and phone number of legal owner, con-409 Washington Ave., Ste. 600 tract purchaser or representative to be contacted S. Eric DiNenna, Esquire Towson, Maryland 21204 City and State 409 Washington Ave., Ste. 600 Attorney's Telephone No.: 296-6820 Towson, MD 21204; 296-6820 ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ 27\_\_\_\_ day Zoning Commissioner of Baltimore County.

> Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

DATE: 5/7/9/

The Isaiah Baptist Church of Monkton 1931 Monkton Road Monkton, Maryland 21111

ATTN: THOMAS PRINGLE

Case Number: 91-372-XA S/S Monkton Road, 280' SEly of c/l Garfield Avenue 1931 Monkton Road 10th Election District - 3rd Councilmanic Petitioner(s): The Isaiah Baptist Church of Monkton HEARING: FRIDAY, MAY 17, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that  $\frac{156.77}{}$  is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Sprines

J. ROBERT HAINES ZONING COMPLISSIONER BALTIMORE COUNTY, MARYLAND cc: S. Eric DiNenna, Esq.

Section 1A03.4.A.4 to allow a street setback of 50 feet in lieu of the required 100 feet and a rear yard setback of 30 feet in lieu of the required 50 feet;

Section 409.4 to allow parking with direct access to a travelway;

Section 409.6.A.4 to allow 54 spaces in lieu of the required 60 spaces for future expansion;

Section 409.8.A.2 to permit a gravel parking surface in lieu of the required durable dustless surface;

Section 409.8.A.6 to permit a non striped surface in lieu of the required striped surface.

Baltimore County Government

887-3353

Zoning Commissioner

Office of Planning and Zoning

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of

Variance to allow a street setback of 50 ft. in lieu of the required 100 ft. and a rear yard

setback of 30 ft. in lieu of the required 50 ft.; to allow parking with direct access to be a

travelway; to allow 54 spaces in lieu of the required 60 spaces for future expansion; to permit

a gravel parking surface in lieu of the required durable dustless surface; and to permit a non

Baltimore County will hold a public hearing on the property identified herein in Room 106 of the

County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

111 West Chesapeake Avenue

Towson, MD 21204

Case Number: 91-372-XA

1931 Monkton Road

Baltimore County

S/S Monkton Road, 280' SEly of c/l Garfield Avenue

Petitioner(s): The Isaiah Baptist Church of Monkton

Special Exception: For a church in a RC-4 zone.

striped surface in lieu of the required striped surface.

J. Robert Saires

cc: The Isaiah Baptist Church of Monkton

S. Eric DiNenna, Esq.

10th Election District - 3rd Councilmanic

HEARING: FRIDAY, MAY 17, 1991 at 9:00 a.m.

April 2, 1991

SILBERMANN & ASSOCIATES, INC.

3527 EAST JOPPA ROAD BALTIMORE, MARYLAND 21234 (301) 661-5888 FAX No. 661-0728 FEBRUARY 6,1991

DESCRIPTION OF A PARCEL OF LAND ON THE SOUTHERN SIDE OF MONKTON ROAD IN THE LOTH ELECTION DISTRICT, KNOWN AS THE ISAIAH BAPTIST

BEGINNING AT A QUARTZ STONE PLANTED NEAR THE SOUTH-

THENCE, ALONG MONKTON ROAD;

(1) N 58°19'20" W 264.00 FT

(2) S 32°01'30" W 120.39 FT.

(6) S 32°C1'30" W 41.25 FT.

TO THE PLACE OF BEGINNING. AS RECORDED IN DEED LIBER 7100, FOLIO 291

BEING KNOWN AS # 1931 MONKTON ROAD, MONKTON, MARYLAND 21111.

MARYLAND Γ.Ε. # 4240

Engineers • Planners • Surveyors

CHURCH OF MONKTON , BALTIMORE COUNTY, MARYLAND.

WESTERLY SIDE OF MONKTON ROAD;

(3) S 57°58'30" E 9.9 FT.

(4) S 32°01'30" W 29.7 FT.

(5) N 57°58'30" W 9.9 FT.

(7) S 69°34'00" E 231.82 FT.

TO A GRANITE STONE FOUND,

(8) N 46°10'40" E 150,94 FT.

CONTAINING 40,719.89 SQ.FT., OR 0.9348 ACRES.

HARVEY SILBERMANN, P.E. PROFESSIONAL ENGINEER

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

May 8, 1991

111 West Chesapeake Avenue Towson, MD 21204

S. Eric DiNenna, Esquire

887-3353

409 Washington Avenue, Suite 600 Towson, MD 212-4

RE: Item No. 344, Case No. 91-372-XA Petitioner: The Isaiah Baptist Church Petition for Special Exception

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

cc: Mr. Thomas Pringle The Isaiah Baptist Church of Monkton 1931 Monkton Road Monkton, MD 21111

CERTIFICATE OF PUBLICATION

TOWSON, MD., ... THIS IS TO CERTIFY, that the annexed advertisement was

published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive 

TOWSON TIMES,

Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., \_\_\_\_\_ THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive weeks, the first publication appearing on \_\_\_\_\_\_\_, 19

THE JEFFERSONIAN,

5. Zeke Olm

\$156.77

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

NOTICE OF HEARING

The Zoning Commissioner of

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building. lo-called at 111 W. Chesapeake Av-enue in Towson, Maryland 21204

Case number: 91-372-XA S.S.Monkton Road, 280° SEly of c.I. Garfield Avenue 1931 Monkton Road 10th Election District

Special Exception: For a church in a RC-4 zone Variance:

to allow a street setback of 50 ft in lieu of the required 100 ft, and

a rear yard setback of 30 ft. in lieu of the required 50 ft. to allow

parking with direct access to be a

lieu of the required 60 spaces for

tuture expansion, to permit a gravel parking surface in lieu of the required durable dustless sur-face; and to permit a non striped

striped surface.

TT J.4 156 April 18.

NOTICE OF HEARING

The Zoning Commissioner o

Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a

public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson. Maryland 21204

Case number: 91-372-XA S/S Monkton Road, 280' SEly

th Election Distric

Special Exception: For a hurch in a RC-4 zone. Verlance:

to allow a street setback of 50 ft. in lieu of the required 100 ft. and a rear yard setback of 30 ft. in lieu of the required 50 ft.; to allow

parking with direct access to be a travelway; to allow 54 spaces to lieu of the required 60 spaces for future expansion; to permit a gravel parking surface in lieu of the required durable dustless surface; and to permit a non striped surface in lieu of the required striped surface.

surface in lieu of the required

J ROBERT HAINES

ravelway: to allow 54 spaces in

887-3353

Your petition has been received and accepted for filing this 27th day of March, 1991.

Received By:

Petitioner: The Isaiah Baptist Church, et al Petitioner's Attorney: S. Eric DiNenna

Mr J Robert Haines Page 2 April 12, 1991

> Silberman & Associates weenc. Mr. J. Ogle w/enc.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner DATE: May 7, 1991

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: The Isaiah Baptist Church of Monkton, Item No. 344

In reference to the requested Special Exception and Variance, this office provides the following comments:

The Isaiah Baptist Church is in a National Historic Register District and is listed on the Maryland Historic Inventory (BA2101). Therefore, it contributes to the National Register District; however, the church building appears to have significant structural problems that likely prevent reuse by the applicant. This office suggests that before approval of the CRG plan that the Baltimore County building engineer visit the site to determine the feasibility of restoring the structural integrity of building.

practical, the existing vestibule, due to its historical significance, should be incorporated into the construction of the new

The plan accompanying the petition is incomplete and should be revised to include the following:

existing and proposed landscaping;

- elevation drawings including an indication of building

BALTIMORE COUNTY, MARYLAND Inter-office Correspondence

J. Robert Haines

Robert C. Merrey, Jr.

April 1, 1991

SUBJECT: Comments on Zoning Advisory Committee Meeting Item 344

The Isaiah Baptist Church of Monkton Property Owner:

S/S Monkton Road, 280' SEly of centerline Location:

Garfield Avenue (#1931 Monkton Road)

Existing Zoning: .9348 acre

Tenth Election District, Third Councilmanic District District:

R.C.-4

This office recommends approval of crusher-run "crushed stone" in lieu of the required durable and dustless surface for the parking area. All crusher-run surfaces are to be treated in accordance with Environment Article 26.11.06.03 D (2) in order to prevent particulate matter from becoming airborne. Treatment and maintenance of this surface is an owner responsibility and will be on a continuing basis as necessary to control airborne particulate.

cc: Zoning Variance File North Point Government Center



(301)887.4500

MARCH 26, 1991

J. Poleit Haines Fording Committee toner Office of Planning and Moring Faltipure County Office Building Towson, IE 21204

700 East Joppa Road, Suite 901 Towson, MD, 2120 i-5500

The Isaiah Baptist Church, Item 344

Office of Planning at 887-3211.

If there should be any further questions or if this office can

provide additional information, please contact Jeffrey Long in the

May 7, 1991

PK/JL/cmm

ITEM244/ZAC1

Page 2

THE ISMINE PAITIST CHURCH OF MCITTON Fig. From Entry Owner:

#1931 MONISON FOAT Location:

Special inspection bivirier

Them Fo.: 344 Zonling Agenda: MARCH 26, 1991

Gentleren:

Tursuant to your request, the referenced property las been surveyed by this Eureau and the comments below are applicable and required to be corrected or incorporated into the first plans for the projectly.

5. The buildings and structures existing or projected or the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to cocupancy.

UL/III

received

BAL MORE COUNTY. MAR PLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

March 20, 1991

INTER-OFFICE CORRESPONDENCE

Zoning Commissioner

Office of Planning and Zoning

DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #344, Zoning Advisory Committee Meeting of March 26, 1991, The Isaiah Baptist Church of Monkton, S/S Monkton Road, 280' SEly of centerline Garfield Avenue, (#1931 Monkton Rd.) Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.

Soil percolation tests must be conducted.

Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled. Prior to occupancy approval, the potability of the water supply must be

verified by collection of bacteriological and chemical water samples. If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental

Impact Review at 887-3980.

Should the building engineer determine that restoration is not

any proposed grading;

- documentation from the applicant or DEPRM that the proposed paving is both porous and/or suitable;

materials shall be provided to the deputy director of the Office of Planning and Zoning prior to the issuance of any building permits.

The staff has prepared a plan which provides alternative landscaping and parking concepts as an indication of what would be more in keeping with the R.C.4 regulations set forth in Section 1A03.4.B.5.



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 4, 1991 FROM Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for March 26, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 186 (91-257-A), 341, and 348.

For Item 328, the dimensions shown as "paving" are right-of-way widths. For Item 344, a County Review Group Meeting is required

for this site. For Item 346, a cover of 15 feet +/- over the existing

60-inch sanitary sewer is adequate. Avoid damage to the existing manhole on the bend structure within the truck parking area. For Item 347, the previous County Review Group comments

> ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB: 8

still apply.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner DATE: June 7, 1991

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: The Isaiah Baptist Church of Monkton, Item No. 344 REVISED COMMENTS

4+-241-11 11- 11- VA

In reference to this office's comments of May 7, 1991, please find the following revised comments:

- 1. The landscaping as indicated on the previously submitted OPZ site plan is acceptable and can be phased in over a 3-5 year period.
  - 2. This office will support a request by petitioner for a variance on road widening.
- 3. This office will support a revised architectural treatment that will use the arches, corbelling and other elements on the existing vestibule as design elements for the vestibule on the new church. The petitioner will attempt, to the degree possible, to utilize the bricks from the old vestibule. In addition, window treatment will be added to the front of the church building.
- 4. Lighting will be limited to low level foot and security lighting with the exception of illumination of the steeple.
- 5. Petitioner will investigate using a door treatment similar to that of other buildings in the immediate area.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM244.REV/ZAC1

Towson, MD 21204

111 West Chesapeake Avenue

887-3353

March 11, 1991

Baltimore County Government

Zoning Commissioner
Office of Planning and Zoning

The Isaiah Baptist Church of Monkton 1931 Monkton Road Monkton, MD 21111

91 372-X+1

RE: Petition Filed in Zoning Office Item Number 344

Dear Petitioner:

JRH:scj

This letter is to inform you that, due to a technical problem, your Petition for Special Exception and Variance has not been placed on the agenda for the week of March 19, 1991. According to our records, this Petition was filed on March 8, 1991 with Catherine A. Milton.

In order for this Petition to be placed on the next agenda, you must contact Catherine Milton at 887-3391 to rectify the problem.

cc: S. Eric DiNenna, Esquire 409 Washington Avenue Suite 600 Towson, MD 21204

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

May 16, 1991

S. Eric DiNenna, Esq. 409 Washington AVenue, Suite 600 Towson, Maryland 21204

Case Number(s): 91-372-XA The Isaiah Baptist Church of Monkton Petitioner(s): 1931 Monkton Road Location:

Dear Mr. DiNenna:

Please be advised that due to scheduling conflicts beyond our control, the above matters, previously set to be heard on May 17, 1991 cannot go forward on that date.

This case has been rescheduled for JUNE 14, 1991 at 2:00 p.m.

This office regrets any inconvenience caused by this change and thanks you for your cooperation and understanding.

Very truly yours,

cc: The Isaiah Baptist Church of Monkton

DINENNA AND BRESCHI ATTORNEYS AT LAW

S. ERIC DINENNA, P.A. GEORGE A. BRESCHI, P.A.

FRANCIS X. BORGERDING, JR. \$

: A. SO MEMBER OF DISTRICT OF

J. Robert Haines

OLUMBIA BAR

MERCANTILE-TOWSON BUILDING 409 WASHINGTON AVENUE TOWSON, MARYTAND 21204

SUTTE 600

(301) 296-6820 TELEFAX (301) 296-6884

March 12, 1991

13 tabi 200 .... U. 17.05

91-372-XA

RE: Item No. 344 Petitioner: Isaiah Baptist Church

Dear Mr. Commissioner:

111 W. Chesapeake Avenue

Towson, Maryland 21204

County Office Building

Please be advised that a Petition for Special Exception and for Variances was filed with your office on March 8, 1991, concerning the above-captioned matter.

This is to advise you that this church is now meeting in a dilapidated old building which must be raised and it is the church's intention to build their new building as soon as possible.

Accordingly, in addition to CRG Request, it is respectfully requested that you conduct a hearing concerning this Petition for Special Exception and for the Variances as soon as possible and within sixty (60) days of this date.

The intent of the church is to raise the old building which is many years of age and to build a new one as soon as possible.

I appreciate your cooperation.

Zoning Commissioner for Baltimore County

SED:cjc cc: Rev. John Carter, Jr.

DINENNA AND BRESCHI ATTORNEYS AT LAW

S. ERIC DINENNA, P.A. GEORGE A. BRESCHI, P.A. FRANCIS X. BORGERDING, JR.

TALSO MEMBER OF DISTRICT OF

April 30, 1991

J. Robert Haines Zoning Commissioner for Baltimore County County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

> RE: Zoning Matter/Monkton Road My Client: Isaiah Baptist Church Case No. 91-372-XA

SUITE 600

MERCANTILE/TOWSON BUILDING

409 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

(301) 296-6820

TELEFAX (301) 296-6884

Dear Mr. Commissioner:

I am in receipt of a comment from "the CRG Comment Sheet, Historic Landmarks".

This was forwarded to me by my client and it does not indicate what Department, if any, issued same.

I would respectfully request that I become in receipt of all comments from Baltimore County as soon as possible relative to this Petition.

I appreciate your cooperation and remain,

cc: The Isaiah Baptist Church of Monkton

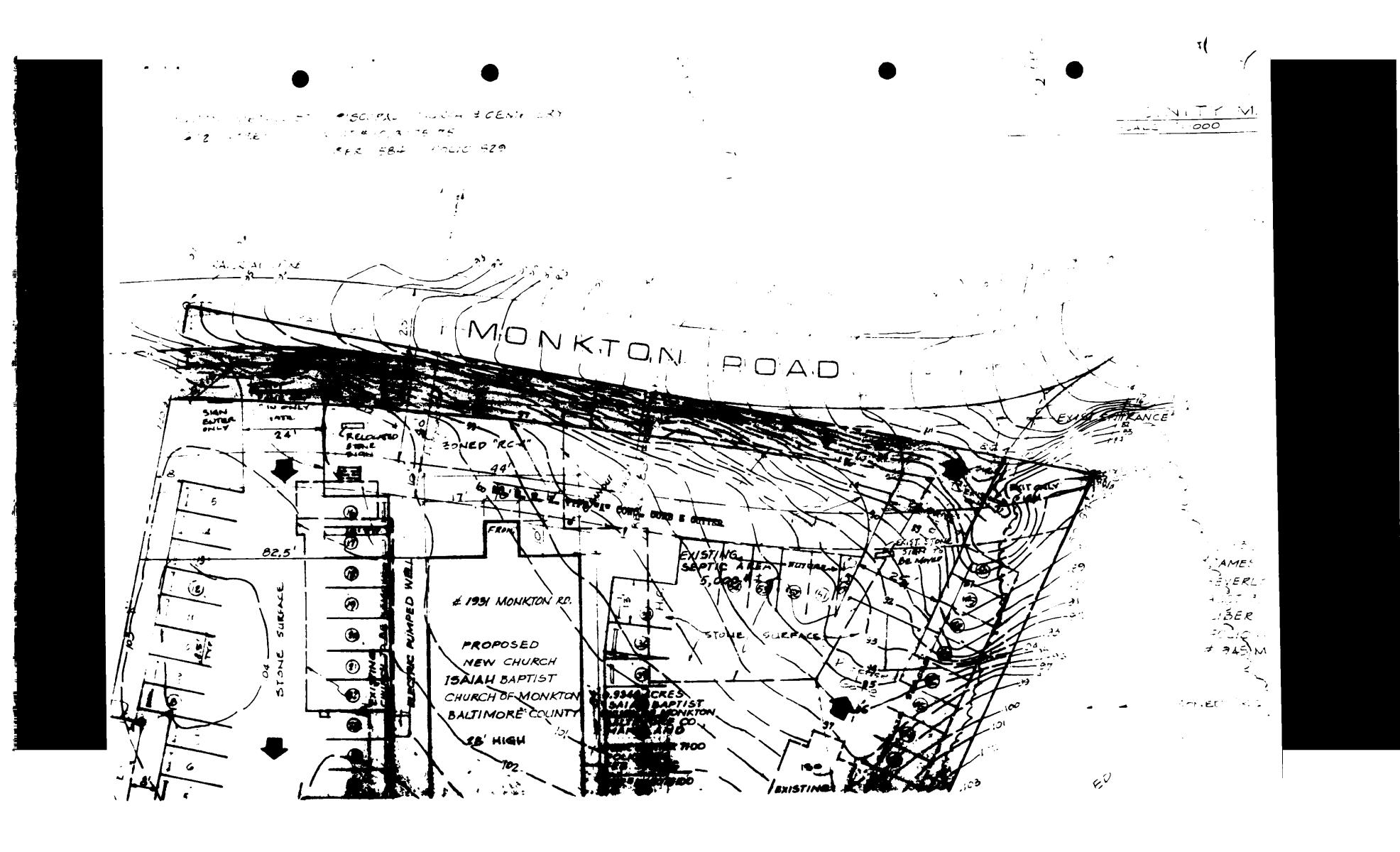


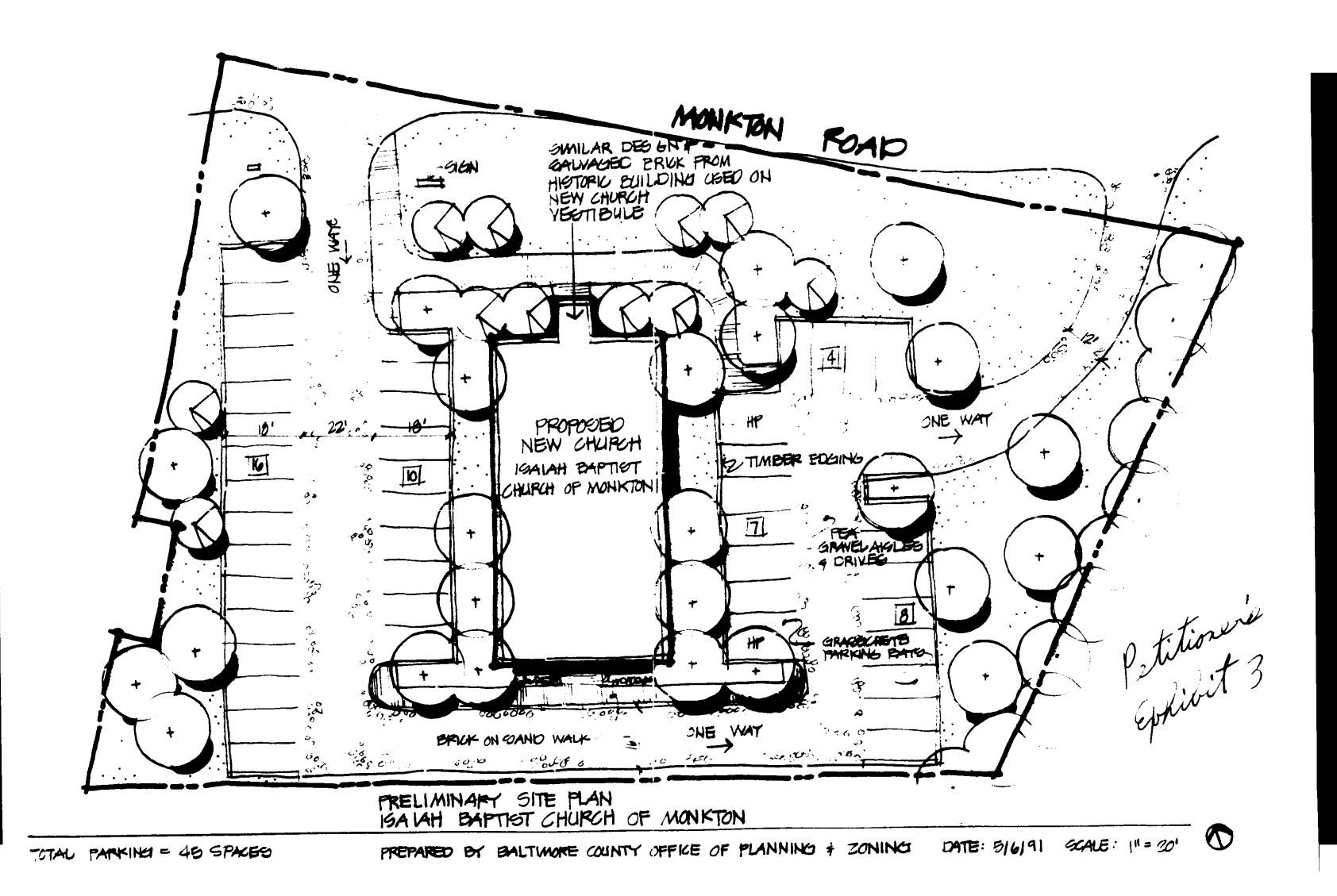
PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY

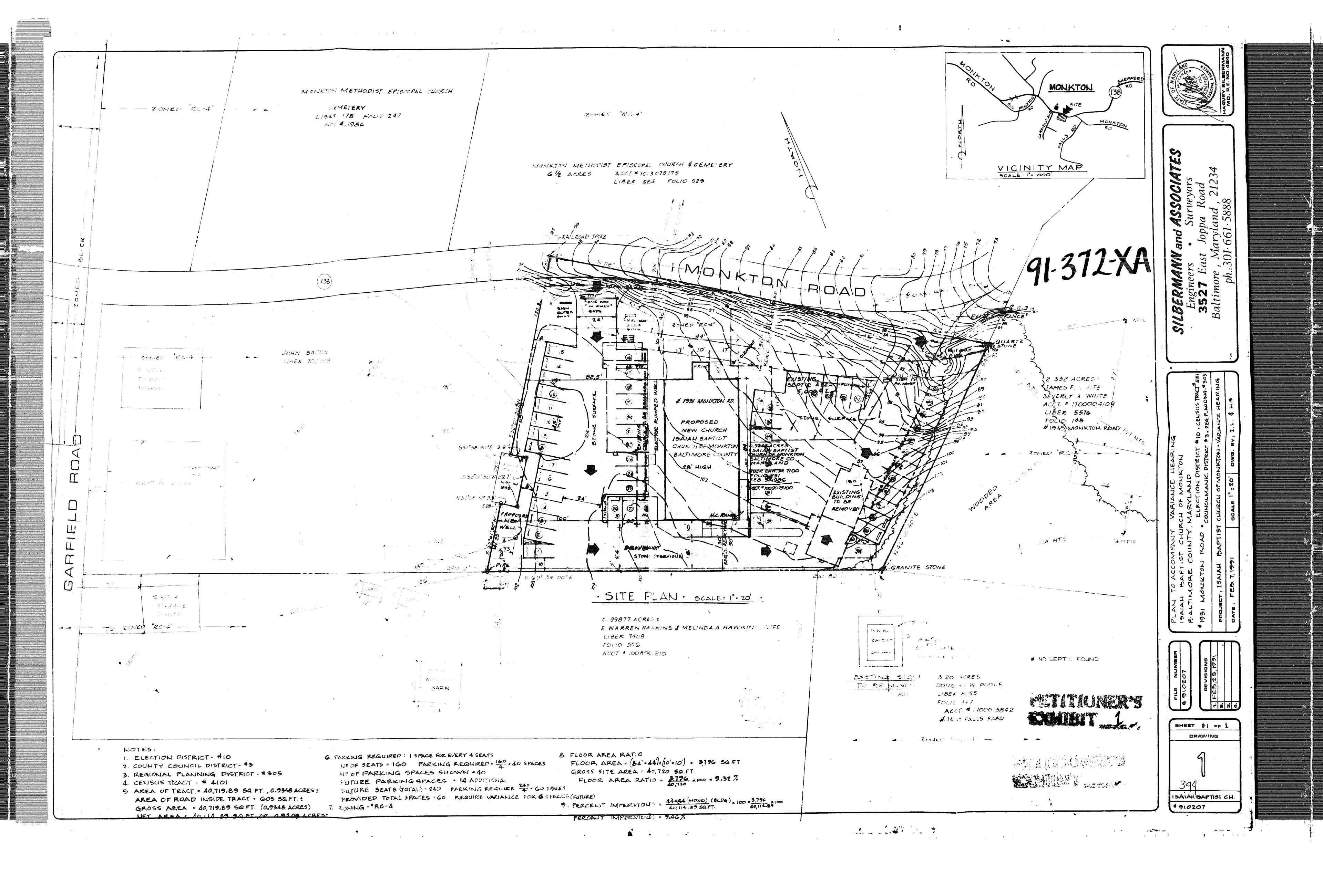
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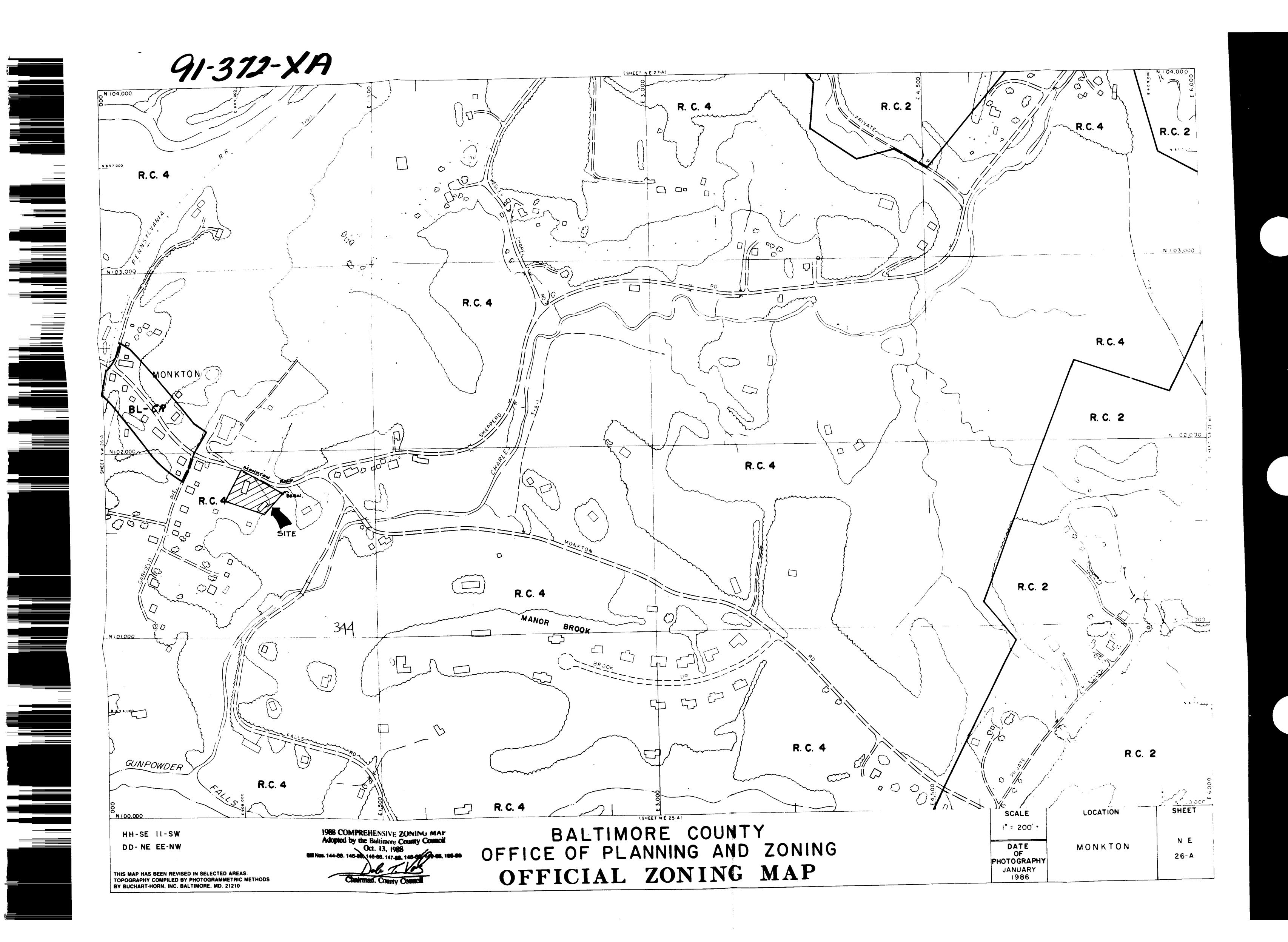
PETITIONER(S) EXHIBIT (2)

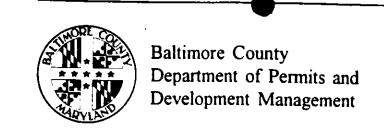
91-372XA











**Development Processing** County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

July 26, 1999

Thomas N. Woolfolk, L.A. George William Stephens, Jr. & Associates, Inc. 658 Kenilworth Drive, Suite 100 Towson, MD 21204

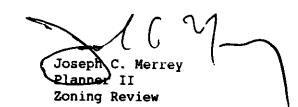
Dear Mr. Woolfolk:

RE: Spirit and Intent, Isaiah Baptist Church, Case No. 91-372-XA 7th Election District

I have discussed your letter of June 23, 1999 with my supervisor, Carl Richards, who has advised that the administrative special hearing would be required to review this matter. This procedure requires the property to be posted, with no hearing required absent a request for one. I have enclosed the booklet and forms for this filing.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,



JCM:ggs

c: File #91-372-XA

Enclosure

Come visit the County's Website at www.co.ba.md.us

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DRE COURTS OFFICE OF PLANSING AND PONSING -A-48LF (E.) BBL-IMBRC COGRES -Su-Affichilages

MATURE # 91. 122

SECTION 22-43 WAIVER REQUEST FORM

Coderel Information and Requirements for Submittel: 3 CCPIES OF ALL INFORMATION NATES OF DEVELOPMENT and LOCALION I SALAH BAPTIST CHURCH # 1931 MONKTON RD. 2. Comercia) name BOARD CETRUSTEES - I SAIAM BAPTIST CHURCH 5. Owner(a) address and phone number # 1931 MONKTON BD. (30) 679-6939 4. Applicant's name (if other than owner) SILBERMANN 4 ASSOCIATES

5. Applicant's address and phone number 3527 E. Joppa Ro. (301) GGT-5888 b. Liber/felio EHK. TR. 7100 FOLIO 291

7. Tax Account number 1009075100

8. Site plan at appropriate scale and vicinity sketch 3 COPTES BACH FOLDED MEAN TO SEALE

9. 1986 200' scale serial photograph with publicity ails cutlined sign road metwork identified 3 COPIES EACH FOLDED MEAN TO \$1.5 1. Signature of Applicant or Owner, Dark Designation Survey 1991

Paacon for Waiver Request: Check Appropriate Research: MUST ATTACH STATEMENT FOR JUSTIPICATION OF REQUEST Lot line adjustment, including the combination of lots or parcels.

The aubdivision of property pursuant to court order, a will, or the laws of intestate auccession. Amendments to an approved plan or plat which do not materially miter the proposed development. The aubdivision of land in an approved agricultural land preservation district for the purpose of

the conveyance of lotter to the owner or his children pursuant to Title 2, Subtitle 5 of the Agriculture Article of the Armbitted Code of Meryland.

The subdivision of a form tract into two lots.

The subdivision of land in an S.C. same if no new roads are required.

The subdivision of land into three or fewer lots for residential single-family dwellings. 181 A commercial development of land involving only one building for a single use.

[9] An industrial development of land involving only one building for a single use.

(9) An industrial development.

(10) A minor development.

(11) The construction of public buildings.

(12) The construction of accessory structures.

(13) Any proposed development, if the Director finds that compliance with these regulations would cause unnecessary hardenip MUST ATTACH STATEMENT SPECIFYING NATURE OF HARDSHIP.

MATURE OF WALVERS Waiver of CRC Plan.
Waiver of CRC Meeting
Weiver of Pecore Plat

Waiver of Public Works Standard(s). Specify which standard(s) and give remons for valver request.

DHAVE HAD PUBLIC HEARING FOR SPECIAL EXCEPTION CRG. MEFTING
WOULD BE DIPLICATION OF MEETINGS WITH COUNTY AGENTUS.

MINOR DEVELOPMENT; SINGLE USE, SINGLE LOT 3 REPLACEMENT OF EXISTING CHURCH . STATUS: Approved

"A waiver of CRG meeting does <u>MCT</u> waive the need for an <u>Approved Plan.</u>

Mev. 3/27/87

Baltimore County Department of Permits and

BALTIMORE COUNTY, MARYLAND

GW Stephens Jr & Assoc

loainh Baptist Church

Monkton Road

AMOUNT \$ 40.00 (JCM)

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

DISTRIBUTION WHITE - CASHIER

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

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PROGRESS STATES

AND SHOW THE SECTION SECTION

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Billinger Carrier Record in

CASHIER'S VALIDATION

February 18, 1999

Mr. Thomas N. Woolfolk, L. A. George William Stephens, Jr. and Associates, Inc. 658 Kenilworth Drive Suite 100

Development Management

Towson, Maryland 21204

Dear Mr. Woolfolk:

RE: Isaiah Baptist Church, Monkton Road, Zoning case #91-372-XA, 10th Election District

I have reviewed your letter of February 10, 1999 regarding an addition to the above referenced church. The proposed addition, as depicted on the submitted site plan, will be well within the 30 foot setbacks granted in Case #91-372-XA at 47 feet, plus or minus. As such, the proposal will be approved by this office as being within the spirit & intent of zoning case #91-372-XA.

This letter should appear on all future plans submitted to this office for review pertaining to this property.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

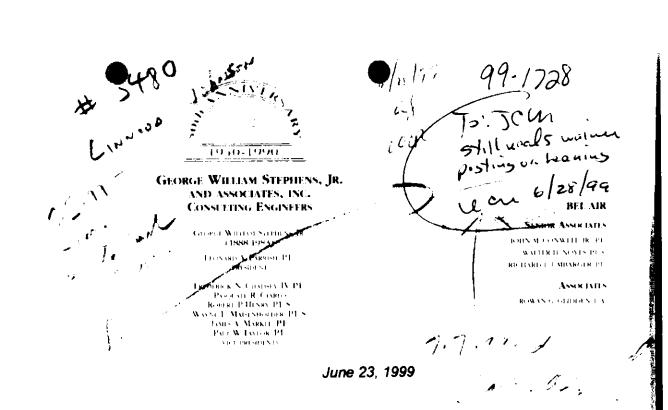
> Sincerely Joseph ( lanner

> > Zoning Review

JCM:cjs

Come visit the County's Website at www.co.ba.md.us

Printed with Soybean Ink



Mr. Amold Jablon, Director Department of Permits and Development Management County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

RE. Isaiah Baptist Church Monkton Road Case No. 91-372XA PN 8619

Mr. Jablon:

TOWSON SENIOR ASSOCIATES

ROBERT B BARKETT

VALUE ZARSKI

ASSOCIATES

RODURT WAS IN 1991 S.

SUSAN FUMBAROJEK UA

KAREN M WATSHOPE

IGRNES PUTERSENT V

WALLER LEISNIN PLS

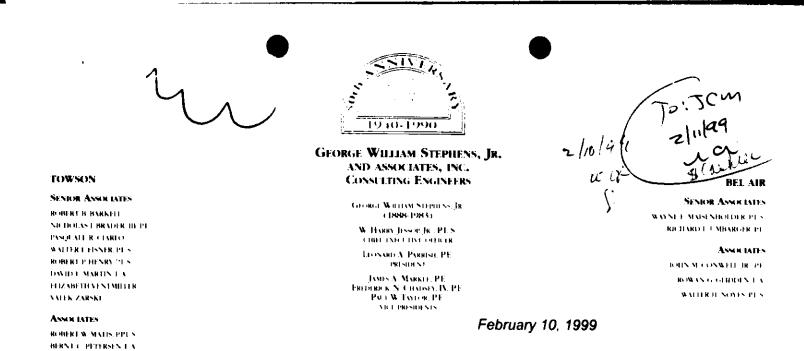
DAVID UMARTIS LA THEARTHALNIMHOR

THOMAS NACIONAL V.

Please find enclosed one copy of the Zoning Order in the above case, which granted a Special Exception for a church in an RC-4 zone, as well as a number of setbacks, including a 30 foot rear yard setback. We also enclose one copy of the approved Zoning Plat, redlined to show the proposed as well as the approved changes.

In the testimony before the Zoning Commissioner, as outlined in the zoning order, the Petitioner, Isaiah Baptist Church, stated that they intended to demolish the existing 150 year old church due to its decrepit condition. Note that this building has an MHT inventory number and is in a National Register Historic District, but is not specified as a landmark. If the Planning Office or the Landmarks Preservation Commission objected to the demolition of the existing church, their objections should have been noted at the 1991 hearing. However, no objection was made to the proposed demolition and the Planning Office supported the proposal. Subsequently, the church elected to maintain the existing church and, in 1998, constructed a much smaller building than the one originally approved, for the Fellowship Hall use, to be located further from the street, still complying with the 30 foot setback granted in the above case. No significant changes from the approved Zoning Case were proposed. On 9/9/97, you granted these changes in accordance with our "spirit and intent" letter. A copy of that letter is attached.

TOWSON: 658 KENHWORTH DRIVE + SI TTE 100 + TOWSON, MARYLAND + 21201 + (+10) 825-8120 + FAX (+10) 583-0288 + gwstowson⊄crols com BEL AIR: 203 FAST BROADWAY + BEL AIR. MARYLAND + 2101 (+ €) 100 879-1500 + €) 100 838-3800 + FAX €(100 893-0) 25 + gwsbclair ⊄crols com



Mr. Arnold Jablon, Director Department of Permits and Development Management County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

RE: Isaiah Baptist Church Monkton Road Case No. 91-372XA

Mr. Jablon:

THOMAS S WOOTFOLK IR TO

Please find enclosed one copy of the Zoning Order in the above case, which granted a Special Exception for a church in an RC-4 zone, as well as a number of setbacks, including a 30 foot rear yard setback. We also enclose one copy of the approved Zoning Plat, redlined to show the proposed as well as the approved

In 1998, the owner, Isaiah Baptist Church, constructed a much smaller building than the one originally approved, for the same use, to be located further from the street, still complying with the 30 foot setback granted in the above case. No significant changes from the approved Zoning Case were proposed. You granted these changes in accordance with our "spirit and intent" letter. A copy of that letter is attached.

The church has now discovered that the rear wall of the existing original church is now structurally unsound. It will have to be reconstructed. Given the nature of the existing foundation, it would not be economical to reconstruct the existing wall on the existing footing, but rather to place a new wall and footing outside the existing church wall. As part of this reconstruction, the church proposes to extend the back wall of the building approximately 20 feet, to provide much-needed storage space. Isaiah Baptist Church will still comply with the 30 foot rear yard setback granted in the above case. No changes from the approved Zoning Case are proposed. No additional parishioners are expected nor is additional parking needed as a result of this change

> TOWSON: 658 KENILWORTH DRIVE + SUITE 100 + TOWSON, MARYLAND + 21204 + C(10) 825-8120 + FAX C(10) 583-6288 BEL AIR: 203 EAST BROADWAY \* BEL AIR. MARYLAND \* 2101 ( \* C(10) 879 1500 \* C(10) 838 3800 \* FAX C(10) 893 0(25 PF - Professional Engineer, PLS - Professional Land Surveyor, PPLS - Professional Profesty Line Surveyor LA - Landscape Architect

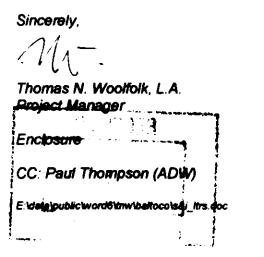
Mr. Arnold Jablon, Director Isalah Baptist Church June 23, 1999 Page 2

The church has now discovered that the rear wall of the existing original church is structurally unsound. Given the nature of the existing foundation, it would not be economical to reconstruct the existing wall on the existing footing, but rather to place a new wall and footing outside the existing church wall. As part of this reconstruction, the church proposes to extend the back wall of the building approximately 20 feet, to provide much-needed storage space. Isaiah Baptist Church will still comply with the 30 foot rear yard setback granted in the above case. No changes from the approved Zoning Case are proposed. No additional parishioners are expected nor is additional parking needed as a result of this change. On 2/18/99, you granted these changes in accordance with our "spirit and intent" letter. A copy of that letter is attached.

We then presented the plan to the DRC. At that time, we were informed that the Landmark Preservation Commission intends to review the status of the existing church at its meeting on July 8. The DRC then tabled the requested Limited Exemption pending the LPC meeting. Following the LPC meeting, the church would be required to apply for a Special Hearing to allow them to modify the church building. As noted, in the 1991 case, the Zoning Commissioner Was willing to allow the complete demolition of the existing church. In addition, there was no objection from the LPC and the Planning Office supported the proposed demolition. Now the church is willing to preserve and repair the existing building. Therefore, the needless delay and expense will be a severe financial hardship to this small minority church congregation. In the opinion of the architect, Mr. Paul Thompson of Architectural Design Works, "the rear supporting wall of the existing church has suffered severe termite damage, is structurally unsound and presents an immediate and serious safety hazard." Thus the delay while waiting for the outcome of a Special Hearing could very likely be hazardous to the condition of the existing church building. The wall must be reconstructed as soon as possible. The church is ready to begin this reconstruction within two weeks, pending issuance of a building permit.

We maintain that the public, the LPC and the Planning Office had sufficient opportunity to object to any demolition at the 1991 zoning hearing. Given that they did not, and in fact the Planning Office supported the proposed demolition, they should not have a second opportunity to comment on the proposed lesser impact. Therefore, we hereby request that you grant Isaiah Baptist Church the right to apply for Building Permit without the needless hardship and delay of a Special Hearing, and that you confirm that this change is consistent with the approved Zoning Order and is within the spirit and intent of that order.

Thank you for your attention to this issue. We have enclosed one extra copy of this letter and a check for \$40.00 in accordance with your policy.



Mr. Arnold Jablon, Director Isaiah Baptist Church February 10, 1999 Page 2

We hereby request that you confirm that this change is consistent with the approved Zoning Order and is within the spirit and intent of that order.

Thank you for your attention to this issue. We have enclosed one extra copy of this letter and a check for \$40.00 in accordance with your policy.

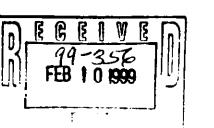
Sincerely, Thomas N. Woolfolk, L.A. Project Manager

The above described use to the subject property is consistent with the current Baltimore County Zoning

Mr. Amold Jablon Director Department of Permits and Development Management

Enclosure

CC: Paul Thompson (ADW)



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Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

RECEIVED

SEP 12 1997

Mr. Thomas N. Woolfolk, Jr. George William Stephens, Jr. and Associates, Inc. 658 Kenilworth Drive, Suite 100 Towson, MD 21204

GEORGE WILLIAM STEPHENS JR & ASSOCIATES, INC. Mr. RE: Zoning Verification 1931 Monkton Road Isaiah Baptist Church Zoning Case 91-372-XA

Dear Mr. Woolfolk:

Your letter to Arnold Jablon dated September 3, 1997 was referred to me for reply. Your request is for a smaller church building in a different location than that in the above mentioned granted zoning hearing, but keeping the approved 30-foot varianced setback. As such, this proposed building will be approved as being within the spirit and intent of zoning case 91-372-XA.

September 9, 1997

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

John Stall-Say

Very truly yours,

John J. Sullivan, Jr. Planner II Zoning Review

10th Election District

JJS:rye

c: zoning case 91-372-XA

Enclosure

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property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

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JR NO. 10657771

The Petitioner has also requested the aforementioned variance relief.

BALTIMORE COUNTY, MARYLAND

FOR: 2001-10 VETTER TIERT ICH

AMOUNT \$ 40.00

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PROMISE GROVE W. SHEPHENSTY + ALSO C

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

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An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasomably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The Office of Planning and Zoning by Jeffrey Long and Lenwood Johnson indicated their support for the Petitioner's request with the exception of Petitioner's parking proposal. Messrs. Long and Johnson indicated, in the spirit of promoting landscaping rationale site layout, that the proposed parking along the southeast side of the subject property should be climinated. Although this creates the need for a greater variance than the Petitioner originally requested, the Petitioner had no objection to complying with the Planning Office's request.

It is clear from the testimony that if the variances are granted in accordance with the Office of Planning and Zoning's request, such use as

proposed would not be contrary to the spirit or intent of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances requested by the Petitioner were not granted. However. inasmuch as the original request for parking is being increased as a result of the Planning Office's request, the original variance request relative to parking will be denied and a greater variance in conformance with the Office of Planning and Zoning's request shall be granted.

In consideration of the above, it has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

After reviewing all of the testimony and evidence presented, it appears that the special exception and variance relief should be granted, with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions hold, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore May of June, 1991 that, pursuant to a Petition for Special Exception, permission for a Church in an RC-4 zone is hereby GRANTED; and.

IT IS FURTHER ORDERED that a variance from Section 1A03.4.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a street setback IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE AND ZONING VARIANCE ZONING COMMISSIONER 3/3 Monkton Road, 280' SEly of the c/l Garfield Avenue \* CF BALTIMORE COUNTY 1931 Monkton Road 10th Election District \* CASE # 91-372-XA 3rd Councilmanic District The Isaiah Baptist Church of

Monkton

Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF TAN

The Petitioner herein requests, pursuant to a Petition for Special Exception, a Church in an RC-4 zone; and, pursuant to the Petition for Zoning Variance, variances from Section 1A03.4.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a street setback of 50 ft. in lieu of the required 100 ft. and a rear yard setback of 30 ft. in lieu of the

\*\*\*\*\*

required 50 ft.; Section 409.4 to allow parking with direct access to a travelway; Section 409.6.A.4 to allow 54 spaces in lieu of the required 56 spaces for future expansion; Section 409.8.A.2 to permit a gravel parking surface in lieu of the required durable dustless surface; Section 409.8.A.6 to permit a no striped surface in licu of the required striped surface, as more particularly described on Petitioner's Exhibit No. 1,

The Petitioner, by Thomas Pringle, appeared, testified and was represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petitioner were Esther Carter and Reverend John Carter, Jr. Messrs. Jeffrey Long and Lenwood Johnson appeared on behalf of the Baltimore County Office of Planning and Zoning in support of the requested relief. There were no Protestants

Proffered testimony indicated that the Petitioner is desirous of con-

Md #9:80 26-80-500

of 50 ft. in lieu of the required 100 ft. and a rear yard setback of Lo. ft. in lieu of the required 50 ft., is hereby GRANCED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4 to allow parking with direct access to a travelway is hereby GRANTED; and.

IT IS FURTHER CROERED that a variance from Section 409.6.A.4 to allow 54 spaces in lieu of the required 60 spaces for future expansion is hereby DENIED; and, !

IT IS FURTHER ORDERED that a variance from Section 409.6.A.4 to allow 41 spaces in lieu of the required 60 spaces is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from 409.8.A.2 to permit a gravel parking surface in lieu of the required durable dustless surface is hereby GRANTED; and,

IT IS FURTHER CRDERED that a variance from Section 409.8.A.6 to permit a no striped surface, in lieu of the required striped surface, is hereby GRANTED, in accordance with Petitioner's Exhibit Nos. 1 and 3 subject, however, to the following restrictions which are conditions procedent to the afcregoing relief:

> 1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall provide a landscape plan to the Office of Current Planning for approval by the Baltimore County Landscape Planner. Once approved, the Petitioner shall submit a copy of the approved plan to the Zoning Commissioner's Office to become a permanent part of the record and file in this matter. All required landscaping may be phased in but shall be completed on or before January 1, 1996.

structing a new church as indicated on Petitioner's Exhibit Nos. 1 and 2 to replace the existing structure located on the southern portion of the prop-

Testimony indicated that the Petitioner intends to remove the existing structure as it is approximately 150 years of age, in a dilapidated condition and beyond repair.

Testimony indicated that the Petitioner's services are staggered with the services of the Monkton Methodist/Episcopal Church situated across the street from the Petitioner's Church to avoid traffic congestion.

It is clear that the B.C.Z.R. permits the use proposed in an R.C.4 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions, as delineated by Section 502.1, are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Sections 502.1 and 432.4. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1 432 A2d 1319 (1981).

The proposed use(s) will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the

-2-

3. All lighting shall be limited to low level foot and security lighting with the exception of the illumination of the proposed stocyle.

> Zoning Commissioner for Baltimore County

cc: Peoples Counsel

M4 20:60 16-80-5UA

M4 62:80 T6-80-DUA

M9 00:00 T0-80-DUA

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WH PA:60 46-80-008